ORDER

Bangalore, dated 14th February 1967.

S.O. 687.—WHEREAS by State Government Order No. LMA 140 LLD 66, dated 7th April 1966, the Industrial Dispute between the Workmen and the Management of Hindustan Aeronautics Ltd., Bangalore was referred to the Industrial Tribunal, Bangalore, for adjudication;

AND WHEREAS by Order No. LMA 595 LLE 66, dated 29th November 1966 the said Industrial Dispute was transferred to the Additional Industrial Tribunal, Bangalore.

AND WHEREAS before the said Additional Industrial Tribunal complaints were made under Section 33A of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), by Shriyuths: (1) B. Munisappa, (2) K. S. Krishna Murthy, (3) M. J. Edward, (4) F. Louis, (5) M. Venugopal, (6) V. Venkatasubbiah, alleging that their conditions of service were altered during the pendency of the dispute;

AND WHEREAS the said Additional Industrial Tribunal adjudicated upon the said complaints and submitted its award to the State Government as required under Section 15 read with Section 33A of the said Act.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), the Government of Mysore, hereby directs the publication of the said award in the *Mysore Gazette*.

[No. LMA 140 LLD 66.]

By Order and in the name of the Governor of Mysore,

3070 G. G. PUROHIT, *Under Secy.*

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 20th January 1967

Present :

Sri V. C. Ramachandran, B.Sc., (Lond), Bar-at-law,
Presiding Officer.

Complaint No. 1 of 1966 in A. I. D. No. 11 of 1966.

Complainants	*Opposité Party*
1. B. Muniyappa, Badge No. 505, Assistant Supervisor, Hindustan Aeronautics Ltd., Bangalore-17.	The Management of Hindustan Aeronautics Ltd., Bangalore.

Complaint No. 2 of 1966 in A. I. D. No. 11 of 1966.

K. S Krishnamurthy, Badge No. 691, Assistant Supervisor, Hindustan Aeronautics Ltd., Bangalore-17.	The Management of Hindustan Aeronautics Ltd., Bangalore.

Complaint No. 3 of 1966 in A. I. D. No. 11 of 1966.

Sri M J. Edwards, Badge No. 691, Assistatnt Supervisor, Hindustan Aeronautics Ltd., Bangalore-17.	The Management of Hindustan Aeronautics Ltd., Bangalore.

Complaint No 4 of 1966 in A. I. D. No. 11 of 1966.

F. Louis, Badge No. 30-222, Hindustan Aeronautics Ltd., Bangalore-17.	The Management of Hindustan Aeronautics Ltd., Bangalore.

Complaint No. 5 of 1966 in A. I. D. No. 11 of 1966.

M. Venugopal, Badge No. 141-529, Hindustan Aeronautics Ltd., Bangalore-17.	The Management of Hindustan Aeronautics Ltd., Bangalore.

Complaint No. 6 of 1966 in A. I. D. No. 11 of 1966.

V. Venkatasubbaiah, Badge No. E 440-03, Aero Engines, Hindustan Aeronautics Ltd., Bangalore-17.	The Management of Hindustan Aeronautics Ltd., Bangalore.

Appearances.

For the Complainants :—Sri A. Nagesh Rao, Advocate, Bangalore.
For the Opposite Party :—S.G. Sunderswamy, Advocate, Bangalore.

Reference:

Government Order No. LMA 140 LLD 66, dated 7th April 1966.

AWARD.

These are complaints under section 33-A of the Industrial Disputes Act, 1947, by the above complainants for an alleged contravention of section 33 of the said Act by their employer, the Hindustan Aeronautics Ltd., Bangalore Division, Bangalore, during the pendency of an Industrial Dispute between the workmen and the Management of the said Company in I.D. No. 98 of 1966. By G.O. No L M.A. 595 LLE 66, dated 29th November 1966, the Government of Mysore have withdrawn the proceedings of these cases from the Industrial Tribunal, Bangalore, and tranferred the said proceedings to the Additional Industrial Tribunal, Bangalore, for disposal. These cases were then renumbered as Complaints Nos. 1 to 6 of 1966 in A.I.D. No. 11 of 1966.

2. In all these six complaints, a common point for determination had arisen, the facts being the same. I, therefore, proposed to pass a common award in all these six cases, a copy of the Award being kept in each one of them.

3. The complainants are employees of the Hindustan Aeronautics Limited, Bangalore Division, Bangalore, which was previously known as Hindustan Aircraft Limited, Bangalore. They were given production bonus based on efficiency in the month of May every year along with the salary for the month of April. That payment has been made from a very long time and amounted to a condition of service of an employee. The complainants state for the year 1965-66 the usual production bonus was not paid and therefore, there was an alteration in the conditions of service to their prejudice. The alteration in the condition of service took places during the pendency of an industrial dispute between the workmen and the management of the Hindustan Aeronautics Limited and therefore comes within the ambit of Section 33 of the Industrial Disputes Act, 1947. Hence the complainants pray that there may be an Award for the payment of the Production Bonus for the financial year 1965-66 and costs and other reliefs.

4. The Management denied that they have altered the condition of service and state that the Production Bonus Scheme had been introduced in lieu of the Bonus based on profits pursuant to the Memorandum of Settlement entred into between the workman and the Management of Hindustan

Aeronautics Ltd. dated 21st April 1958. In the main reference which is pending before this Tribunal, the workmen have demanded for bonus based on profits under the Payment of Bonus Act, 1965 and the contention of the Management has been that they were not entitled to it by virtue of the settlement entered into between them. Under the Settlement, the workmen are entitled to Production Bonus only and the Management had made a provisional payment as per Bulletin dated 12th May 1966. Hence they pray that the complaints be dismissed.

5. Several Issues had arisen for determination but it is unnecessary to answer them in view of the subsequent events which have taken place. It is common ground between the parties that the workmen were paid some amount in May 1966 in addition to their salary as the Management had been doing eversince 1958. The question that arise was whether that payment was according to the condition of service or whether there has been any alteration in the condition of service as it was not paid as Production Bonus. In order to clarify this point, the Management was asked to state the nature of the payment made on 12th May 1966 and they have filled a Memo before this Tribunal that the payment made on 12th May 1966, is no other than the Production Bonus for the year 1965-66 under the existing production Bonus Scheme of the year 1958 pursuant to the Memorandum of Settlement. In view of that statement, it is obvious that there has been no alteration in the condition of service of the complainants as they continued to get production bonus for May 1966 as they did in the preceding years. With that clarification, the complainants were satisfied and have filled a Memo before this Tribunal that in view of the statement of the Management, they are withdrawing the complaints and do not press the same. In view of the clarification and withdrawal Memo I pass the following Award.

AWRAD.

The complaints filed by the various complainants are dismissed. The dismissal of these complaints is without prejudice to the rights of the Parties in the industrial dispute pending before this Tribunal with regard to the claim for the Profit Sharing Bonus in addition to the Production Bonus under the Payment of Bonus Act, 1965.

There will, however, be no order as to costs.

V. C. RAMACHANDRAN,
Presiding Officer,
Additional Industrial Tribunal,
Bangalore.